

REMARKS

Claims 6, 9, 12 and 14 are amended herein. Support for the amendment to Claim 6 is found in the specification, for example, at page 8, third paragraph, and Claim 8 as originally filed. Support for the amendments to Claims 9, 12 and 14 is found in the specification, for example, at page 21, first full paragraph, at page 22, first full paragraph, at page 29, second full paragraph, at the paragraph bridging pages 30-31, at the paragraph bridging pages 33-34, and at the paragraph bridging pages 34-35. The amendments do not add new matter.

Claim 8 is canceled herein without prejudice to, or disclaimer of, the subject matter contained therein. Applicants maintain that the cancellation of a claim makes no admission as to its patentability and reserve the right to pursue the subject matter of the canceled claim in this or any other patent application.

Upon entry of the amendment, Claims 6, 7, 9-12 and 14 are under examination.

Rejection of Claims 9-12 and 14 under 35 U.S.C. §112

Claims 9-12 and 14 are rejected under 35 U.S.C. §112 as being indefinite. The Office Action states that the phrase the phrase “while the metal complex is still a solid” is unclear in view of statements made in regard to this claim language.

In order to more fully clarify that which is claimed, Applicants have amended Claims 9, 12 and 14 to remove the objected-to phrase “while the metal complex is still a solid” and to replace it with the phrase “wherein the metal complex is a solid at the beginning of said heat treatment.” For purposes of clarifying Applicants previous comments, the present claim language is intended to recite that metal complex is in solid form at the time that the heat treatment process begins, but the metal complex is not required to be in solid form throughout the heat treatment process. Thus, the metal complex is solid when the heat treatment process begins, but during the heat treatment process, the metal complex is not required to be constantly in a solid state, but can be substantially thermally melted and decomposed during the process of the heat treatment. Applicants submit that the claims, as amended, are consistent with the above statements, and are clear. Accordingly, Claims 9-12 and 14 as presently amended are definite. In view of the amendments to the claims, Applicants respectfully request removal of the rejection of the claims.

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Rejection of Claims 6 and 7 under 35 U.S.C. §103

Claims 6 and 7 are rejected under 35 U.S.C. §103 as being obvious over Hampden-Smith (U.S. Pat. No. 6,753,108).

Claim 6 is amended herein to recite that the starting material contains a fatty acid. Applicants submit that Hampden-Smith cannot render Claim 6 or any claim dependent therefrom obvious because Hampden-Smith does not teach a starting material containing a fatty acid. Applicants' position is affirmed by the Office Action, which states that the prior art does not disclose or suggest a method in which the starting material contains a fatty acid. *Office Action* at page 4. Accordingly, Claims 6 and 7 are non-obvious over Hampden Smith. In view of the above, Applicants respectfully request removal of the rejection of the claims.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

In view of the above, Applicants respectfully maintain that claims are patentable and request that they be passed to issue. Applicants invite the Examiner to call the undersigned if any remaining issues might be resolved by telephone.


Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

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Respectfully submitted,

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